

## Session Edition XI, 2003

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House Committee Activity: April 28 - May 1, 2003

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*Members of the House Education Committee spent hours this week reviewing proposed amendments to House Bill 0787, the scholarship component of the lottery legislation. The committee will meet again on Tuesday and Wednesday of next week. Shown are Chairman Les Winningham and executive secretary Jan Pirtle. (Representative Steve Godsey is in the background.)*

## **Agriculture**

*Matt Barnes*

The Agriculture Committee held its last meeting Tuesday, April 29. **HB 0237** (Pinion), which permits coon dogs to be trained any time of year in Lake County so long as raccoons are hunted only during open season, was passed to Calendar and Rules.

**The Agriculture Committee  
Is Now Closed.**

## **Children & Family Affairs**

*Shannon Romain*

### **The Full Committee**

The committee met this week with five bills on the calendar. **HB 1079** (Rep. Patton), which shifted \$1.25 of the marriage license fee from Weems Academy to CASA, was taken off notice. **HB 2041** (Rep. McMillan, \*Rep. Chumney) was referred to Calendar and Rules. The bill revises the law pertaining to the surname of a child. As amended, if the mother and the natural father of the child are married at conception or any time between conception and birth, the surname of the father shall be entered on the birth certificate and the child shall have

the father's surname or a combination of the father's surname and the mother's surname or maiden. In the event that the child is to have the mother's maiden or legal name solely, both parents must submit a sworn statement stating that they mutually agree that the child will bear the mother's name. In cases where the mother is not married, the surname of the child shall be either: the mother's maiden name, surname or a combination of the two and the father's name shall not be entered on the birth certificate.

The amended bill includes provisions that address circumstances where the parents fail to choose a name or disagree on the surname of the child. If the parents fail to choose a surname within the ten-day period required for filing a birth certificate, the father's surname will be entered on the birth certificate as the surname of the child. If the parents do not agree on the chosen surname within the first ten days after birth, the father may file a sworn statement with the hospital that states that the parents do not agree on the name, in which case, the surname of the father shall be entered as the surname. In the event the father was not present at the time of birth, or the parents cannot mutually agree on a surname, within the first year of the child's birth either may sign a sworn statement that acknowledges the disagreement and the father's unavailability and requests that the surname be changed to the father's. The amendment makes the bill.

The following bills were deferred one week:

**HB 1119** (Rep. Shepard)

**HB 1120** (Rep. Shepard)

**HB 1146** (Rep. DeBerry)

**Children & Family's  
Final Meeting  
Is Scheduled  
For May 6th.**

The full committee will conduct its final meeting next Tuesday. The subcommittees of Children and Family Affairs are closed.

## Commerce

*Matt Barnes*

**Final Commerce  
Committee Meeting  
Is Scheduled for  
May 6th.**

The **Commerce Committee** met Tuesday, April 29, with 16 bills on notice. The Committee will hold its final meeting next Tuesday, May 6.

- Passed to Finance, Ways and Means:

**HB 1860** (Kernell) regulates the indoor use of pyrotechnic devices. Rep. Kernell stated the bill is in response to the Rhode Island nightclub fire that killed 99 people on February 20, 2003. An amendment rewrites the bill and makes the fiscal impact minimal. As amended, the bill brings counties in line with municipalities regarding approval of indoor pyrotechnics displays and further requires at least one firefighter to be on site. The bill passed as amended.

**HB 1343** (Hargrove) requires the Comptroller's annual actuarial study of the TennCare program and its MCOs to include information on actual provider reimbursement rates. This information would allow Tennessee provider rates to be compared to similar programs in other states. By law, the Comptroller's annual actuarial study is reported to the General Assembly. This bill requires the reimbursement information to be included in that study.

**HB 1417** (McCord) has an amendment that rewrites the bill relative to vacation lodging service firm licenses. The amendment provides leeway in terms of the required escrow account and offers the option of an irrevocable letter of credit upon renewal of the license. The bill passed as amended.

**HB 1439** (Shepard) has two amendments, the first simply correcting wording in the bill. The second makes the bill and establishes guidelines for recouping health care provider claims. The bill passed with both amendments.

**HJR 0048** (McKee) creates a joint committee to study increases in group health insurance premiums for those small businesses having one or more employees diagnosed with a serious illness.

- Passed to Calendar and Rules:

**HB 0267** (Shepard), with an amendment that makes the bill, requires the Department of Human Services to make available on its Web site all rules, operating procedures, and other materials relative to determining an individual's spend-down eligibility. The Department must also make available on its site all materials necessary for a pharmacy to determine which prescriptions used to qualify the patient for TennCare through the spend-down eligibility criteria are eligible to be billed to the TennCare program.

**HB 1099** (Black) has an amendment that rewrites the bill and contains the exclusionary language from the amendment discussed last week before the bill was

rolled. As amended, the bill requires insurance companies, excluding TennCare, to offer coverage for colorectal cancer examinations as an optional benefit. The bill passed as amended.

**HB 2054** (McMillan) removes the requirement that a professional boxing match be sponsored by a patriotic organization, chartered by authority of a special act of Congress, as current law requires. The bill further defines amateur boxing match and makes other revisions relative to current boxing law.

**HB 2098** (Briley) is a compromise bill incorporating the main elements of six bills by Rep. Briley, HBs 1128 through 1133, which were taken off notice in subcommittee. The compromise bill grants the Commissioner of Commerce and Insurance the authority to regulate hospital and medical service corporations on the same basis as other health insurers. It imposes a one-year waiting period before a non-profit medical service corporation can convert to a for-profit entity, and it makes the non-profit's board of directors comply with the same statutory requirements set for boards of other corporations.

- Rolled one week:

**HB 1386** (McKee) involves the stabilization of the TennCare provider network to assure providers are paid timely and according to amounts determined by managed care companies and providers, not by TennCare. The Committee adopted an amendment two weeks ago that rewrites the bill and changes the effective date to January 1, 2004. Rep. McKee requested the bill be rolled because the Senate Commerce Committee is preparing amendments that the House may consider. He wanted the Commerce Committee to address the amendments before referring the bill to Finance, Ways, and Means.

**HB 1600** (West) involves bankruptcy as it relates to a person seeking to become a collection agency location manager. The Committee adopted an amendment that failed in subcommittee. It rewrites the bill to remove the time restriction and allows the Collection Service Board to make a decision on a case-by-case basis. Passing by a roll-call vote of 14-8, the amendment contains a six-month sunset upon adoption of the bill. The bill was rolled to work on the language of the amendment upon a motion by Rep. Hagood.

**HB 1650** (McMillan), the Administration's "PDL" (preferred drug list) bill, enacts reforms involving formularies on prescription drugs and drug costs. Upon

a motion by Rep. Bowers, the bill was rolled so Commerce will be able to finalize an amendment before referring the bill to Finance, Ways, and Means.

- Rolled to last calendar:

**HB 0274** (Maddox) enacts the "Locksmith Licensing Act of 2003."

- Rolled one year:

**HB 1782** (Pinion) exempts tow trucks performing consensual towing from the motor carrier provisions.

- Taken off notice:

**HBs 0254 and 1113** (Shepard) regarding pharmacies and pharmacists.

Commissioner Paula Flowers, Department of Commerce and Insurance, updated the Committee on the Department's latest developments. She noted the Fire Academy is meeting its revenue targets this year and that the Department is in the process of naming a Fire Death Task Force. Since Tennessee has had the third highest number of fire-related deaths over the past few years among all states, Commissioner Flowers stated the Department is attempting to curb that alarming statistic through legislation and educational awareness programs. She also pointed out the Department has a new director for the Cosmetology Board and one for the Funeral Board. Among other pursuits, the Department plans to evaluate the increase in homeowners' insurance premiums, some as high as 40 percent, Commissioner Flowers claimed.

### **Industrial Impact Subcommittee**

The **Industrial Impact Subcommittee** held its final meeting on Tuesday, April 29.

- Passed to full committee:

**HB 1246** (Chumney), as amended, prohibits health insurers from automatically terminating coverage to the divorced or widowed spouse of an insured or to the insured's dependents. In subcommittee on Tuesday, another amendment was offered and adopted that 1) puts state employees in the program, 2) calls for the premium not to exceed 105% of the cost (C.O.B.R.A. is 102%, with the 2% being administrative costs), and 3) calls for a report to be made to the General Assembly by January

31, 2004 on how many participated in the program and on the program's premium range.

**HB 1339** (Hargrove) refers to TennCare pharmacy cost containment. It would require the TennCare bureau to put a process in place to manage the drug therapies of TennCare recipients who use a significant number of prescription drugs each month.

**HB 2019** (McMillan), as amended, is an administration bill that eliminates the TennCare Advisory Commission.

- Taken off notice:

**HB 0178** (Casada), a bill deleting restrictions on preferences or distinctions in insurance sales based on membership, non-membership, groups or organizations, was taken off notice. The issue was addressed in an earlier bill.

- Rolled to 2004:

**HBs 1482** (Armstrong), **1164** (Towns), **1102** (Kernell), **1656** (DeBerry, J.) and **0858** (Brown).

**The Industrial Impact Subcommittee Is Now Closed.**

#### Utilities and Banking Subcommittee

The **Utilities and Banking Subcommittee** met Tuesday, April 29. The Subcommittee will hold its final meeting next Tuesday, May 6.

- Passed to full committee:

**HB 2009** (McMillan) is an Administration bill that updates the energy conservation building codes for public buildings to reflect the shift to "The 2000 International Energy Conservation Code with 2002 Amendments," published by the International Code Council.

**HB 0292** (Fitzhugh) requires the Commissioner of the Department of Financial Institutions to report to the Governor annually within 60 days after the end of the calendar year, as opposed to current law requiring such reporting after the end of the fiscal year.

**HB 1652** (DuBois) has an amendment that rewrites the bill and establishes procedures for the issuance of

administrative inspection warrants authorizing building officials to inspect premises to determine whether violations are occurring. The amendment makes the provisions of the bill apply only to those counties with a Codes Inspection office. The bill passed as amended.

**HB 1720** (Curtiss) enacts the "Tennessee Fair Lending Act" and establishes rules and regulations governing certain home loans and home loan lenders. The Subcommittee initially adopted two amendments that would have licensed mortgage loan originators, among other effects. However, when the bill failed as amended by a roll-call vote of 5-5, Rep. Montgomery stated he would reconsider his "no" vote if the amendments were removed from the bill. The Subcommittee passed the bill with no amendments.

**HB 0727** (Curtiss) enacts the "Fire Department Recognition Act," requiring fire departments to certify to the fire marshal they have met minimum standards to operate as such.

**SJR 0060** (Burchett) urges the U.S. Department of Energy to require engineers working at DOE facilities in Tennessee to comply with the state's registration law for engineers. It further memorializes the state's Congressional delegation to introduce legislation to accomplish the same effect.

- Taken off notice:

**HB 0291** (Fitzhugh) and **HB 1276** (Patton).

**Final Scheduled Meeting for Utilities and Banking Is On May 6th.**

#### Small Business Subcommittee

**Small Business Is Now Closed.**

### **Conservation & Environment**

*Greg E. Adkins*

#### The Full Committee

The **Full Environment Committee** met on Tuesday, April 29, 2003 and considered nine bills. **HB 170** by Rep. Briley was taken off notice; the bill would have mandated a state tax of \$13.00 on every separate work



unit of nuclear material. The revenue generated from the tax would go into a non-nuclear renewable energy development fund. Current law is permissive for each county or municipality to establish a privilege tax on special nuclear material at a rate of \$0.30 for every separate work unit. **HB 871** by Rep. R. Johnson was rolled to 2004. The bill would have required that gasoline sold in Tennessee would have to contain a minimum 10% ethanol. **HB 951** by Rep. Tidwell was rolled to 2004. The bill would have added equipment used to remove downed trees, debris, gravel, and sandbars from creeks, streams, and ditches that traverse or border agricultural land as an agricultural or forest activity. This means the farmer would be exempt from the Water Quality Act and TDEC regulations would no longer apply to those particular activities. **HB 1229** by Rep. Hagood passed to C&R as amended. The amended bill adds historic theaters to the list of properties that may be acquired with funds from the State Land Acquisition Fund. **HB 1568** by Rep. McCord passed to FW&M as amended. The bill creates the "Tennessee Off-Highway Motor Vehicle Act." The act would require registration of off-road vehicles used for recreation upon purchase. The amendment clarifies that there are not fees for the permit. The bill requires that individuals riding off-road vehicles on private land obtain permission from the private landowner. **HJR 189** by Rep. Garrett was passed to C&R as amended; the amended resolution directs the Forestry Commission to evaluate the Southern Forest Resource Assessment relative to forest policy issues in Tennessee. The Forestry Commission must report their findings by March 1, 2004. **HB 1578** by Rep. Buck passed to FW&M as amended. The amended bill would allow the Director of TWRA to discontinue the free subscription to "Tennessee Wildlife" if you are a holder of a sportsman's license.

The SJR's listed below were passed to C&R. The SJR's approve the Governor's appointments for the TWRA Commission, as follows:

1. **SJR 210** by Rep. McMillan, Confirmation of Appointment--Boyce C. Magli.
2. **SJR 211** by Rep. McMillan, Confirmation of Appointment--Thomas H. Edwards.
3. **SJR 212** by Rep. McMillan, Confirmation of Appointment--Gary K. Kimsey.

**Environment  
and Its  
Subcommittees  
Are Closed.**

**Note:** The Full Environment & Conservation Committee has been closed, subject to the call of the Chairman.

## **Consumer & Employee Affairs**

*Shannon Romain*

### **The Full Committee**

The committee met this week with 10 bills on the calendar. **HB 1753** (Rep. Maddox) and **HB 2011** (Rep. McMillan, \*Rep. West) were referred to Calendar and Rules. **HB 1753** requires any person or for-profit organization who receives compensation from donations made from telephone solicitations to residential subscribers to inform the potential donor of the amount of the donation that will actually go to charity. As amended, the bill exempts not-for-profit entities. **HB 2011**, as amended, provides that a civil penalty for a second or subsequent violation of the child labor laws may be assessed at the discretion of the Commissioner of Labor and Workforce Development or a designated representative. Furthermore, if an employer fails to notify the commissioner of its intent to contest the penalty within 30 days after receipt of notice, the assessment will be deemed the final order of the commissioner and will not be subject to further review. Under the amendment, which makes the bill, all penalties assessed will be paid to the commissioner.

**HB 1755** (Rep. Maddox) was taken off notice and the following bills, all by Rep. West, were deferred until the first meeting in 2004:

<b>HB 1345</b>	<b>HB 1587</b>
<b>HB 1588</b>	<b>HB 1590</b>
<b>HB 1611</b>	<b>HB 1612</b>

<b>Final Meeting For Consumer is May 7th.</b>
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The full committee will conduct its final meeting next Wednesday.

## **Education**

*Pam Mason*

### **The Full Committee**

The House Education Committee met on Tuesday and Wednesday of this week. **HB 787** (Newton), the Lottery Scholarship bill, was the topic of both meetings. Rep. Newton's amendment making the bill was discussed and adopted by the committee. Vice-Chairman Brown gave a presentation of her ASPIRE amendment and then moved her amendment to the heel of the amendments. Rep. Newton discussed another amendment that he and

Rep. Langster had drafted regarding access grants for students with a 2.75 GPA in high school and an 18 ACT score. Due to time limitations, this and other amendments filed were deferred to the next meeting.

**The Education Committee Will Meet Thursday,  
May 1st, 15 Minutes Following Session.**

The following bills on calendar will be considered after HB 787.

HB 1723      HB 752  
HB 1088      HB 889

**K-12 Subcommittee**

The Subcommittee met on Tuesday, April 29, to consider its calendar.

Referred to Full Committee:

**HB 1407** - (Godsey) would allow a local education agency to purchase equipment under the same terms of a legal bid initiated by any other LEA in the state.

**HB 246** - (Head) provides that teachers and employees of public charter schools that convert from a public school and a newly created charter school shall have the same social security coverage as teachers and employees of the local board of education. That board shall be responsible for all reporting and submission for social security purposes.

**HB 1844** - (Bunch) would define the term "capital outlay projects for K-12 education facilities" in regard to distribution from state lottery funds.

**HB 1877** - (Bunch) would require the commissioner of education to provide notice of level of state funding for education in each LEA to school, county and municipal officials.

**HB 1752** - (Maddox) specifies that instruction and recitation of pledge of allegiance in public schools is not state endorsement of religion.

**HJR 19** - (Turner, L.) creates a special joint committee to study public school dropout rates.

**HR 96** - (Cooper) creates a special committee to study feasibility of authorizing certain LEAs to apply for hardship grants to increase the ratio of school social workers to students.

**HB 1201** - (Winningham) allows local boards of education to compensate teachers the difference between their regular pay and their military pay while engaged in military service.

**HB 1886** - (Winningham) requires the state board of education, with assistance of the commissioner of

education to study and determine the key academic teaching fields with the most critical shortages of highly qualified, licensed elementary and secondary teachers.

Referred to the Select Oversight Committee on Education:

**HB 1841** - (Bunch) would provide that TCAR tests be conducted during the last 3 weeks of school term on date established by local boards of education.

**HB 996** - (Winningham) allows county commissions to create elected office of director of schools to be filled at regular August election.

Off Notice:

HB 100      HB 203  
HB 1833      HB 1869  
HB 988      HB 638

Deferred to Second Calendar in February, 2004:  
HB 1923

Deferred one week:

HB 1302      HB 436  
HB 1429      HB 1431  
HB 1433      HB 2016  
HB 1200      HB 1887  
HB 437      HB 1432  
HB 1174

**K-12 Will  
Meet Next  
Week.**

**Higher Ed Subcommittee**

The Higher Ed Subcommittee held its final meeting for the Session, subject to the call of the Chair.

Referred to Full Committee:

**HB 1708** - (Davidson) specifies that restrictions imposed by BEST program regarding substitution of beneficiaries be no less stringent than required by Internal Revenue Code provisions.

**HB 1282** - (Hood) provides procedure for group purchases by institutions of higher learning.

**HB1173** - (Towns) authorizes funding for consortium of historically black colleges and universities to be used toward strategic economic development; is subject to appropriation.

**HB 1309** - (Hagood) restricts certain practices concerning student-athletes.

**HB 1199** - (Winningham) provides for joint meetings of the UT board, TBR and THEC to better coordinate programs.

**HB 1326** - (Winningham) would provide certain retirement incentives bonuses for certain employees of TBR and its member institutions.

**HB 1884** - (Winningham) would require legislative confirmation of all appointed THEC, TBR and UT board of trustees.

**HB 1195** - (Winningham) if amended allows TSAC to eliminate programs no longer active.

Deferred to 2004:

HB 1103      HB 277

Taken off notice:

HB 402      HB 1227

**Higher Ed Is  
Now Closed.**

## **Finance, Ways & Means**

*Cathy Higgins*

On Tuesday, April 29, 2003, the full committee met to discuss 22 bills on calendar. HB 662 by Vincent that would have allowed charitable organizations to have the option of paying the gross receipt tax instead of the sales tax on specific vending machines was referred back to Budget Subcommittee. Several bills were rolled to future calendars. The following bills were **referred to Calendar and Rules Committee**:

- **HB 1633** (West) from Transportation authorizes a new license plate for the "Hermitage."
- **HB 1305** (Pruitt) from State and Local under present law, if a municipality constructs a new stadium for a new minor league baseball team, certain sales tax collections that occur in conjunction with minor league baseball games are allocated to the local sports authority for the purpose of retiring the debt for the construction of the new stadium. This bill will apply these same provisions if the construction were to occur for an existing, rather than a new, minor league affiliate. As amended in Finance committee, no portion of the revenue from the 1/2-cent increase earmarked for education (enacted in 1992), and no part of the 1-percent increase (enacted in 2002) will be distributed to the municipality.
- **HB 1649** (McMillan) from State and Local requires the comptroller to study compensation for state employees.

- **HB 1721** (Hood) permits local governments (county or municipality) to pay the professional privilege tax on behalf of their employees.
- **HB 1912** (Head) from Transportation authorizes a license plate for "nurses."
- **HB 1986** (Head) from Commerce removes the contractor license exemption for persons who reside in certain counties and construct residences or dwellings on private property for the purpose of resale in those counties of their residence. Provides that certain persons who must obtain a license under the provisions of this bill are exempt from examination and financial statements.
- **HB 2056** (Hargrove) from Commerce revises the current law relative to the filing of insurance policies and forms with the Department of Commerce and Insurance.
- **HB 0667** (Jones, S) from Consumer & Employee Affairs adds veterinarians to providers covered under Health Care Consumer Right to Know Act of 1998.
- **HB 1486** (Rowland) from Transportation authorizes a license plate for "girl scouts."
- **HB 1891** (Bowers) as amended in Education requires new incoming students at any public or private higher learning institution in this state to complete and return a waiver regarding hepatitis B infection. The waiver will cover the risks and effectiveness of a vaccine. A student 18 years of age or older may sign or, for minors, the student's parent or guardian may sign.
- **HB 1467** (Head) as amended in Finance authorizes the state funding board to establish policies and procedures for the investment of bond proceeds in guaranteed investment contracts.

**Budget Subcommittee**

**Wednesday, April 30, 2003**

*(next page)*

**Budget Sub** met Wednesday to discuss 43 bills on calendar. Several bills were rolled to future calendars. The following bills were **recommended to full committee**:

**HB 0809** (Hackworth) as amended in Budget Sub encourages, but not does obligate, property assessors to assess property that uses wind-powered generators at a rate equal to 1/3 of the rate that would otherwise be applicable.

**HB 1861** (Hagood) from Children and Family adds to the code "custodians" as parties who are also responsible to provide notice to the principal of the school in which a child is enrolled if the child has been adjudicated delinquent for a specified offense.

**HB 1772** (Davidson) from Agriculture enacts legislation to aid enforcement of the Tennessee Tobacco Manufacturer's Escrow Fund Act.

**HB 0961** (Hargett) deletes the requirement from statute to notify a candidate or political campaign committee when a person has inspected their campaign financial disclosure records.

**HB 1473** (Briley) from State and Local will require mobile phone service customers, commercial radio service providers, and pre-paid phone service companies to pay an emergency communications service fee to fund the 911 emergency telephone service. Permits the Board to withhold distribution to an emergency communications district if the district is operating in, or fails to correct a specific violation of law (i.e., submit an annual budget, audit, etc.)

**HB 0812** (Pinion) from State and Local authorizes TRICOR to develop a policy for the sale of products to state, city and county employees. Prior to implementation, the policies are to be reviewed by the Oversight Committee on Corrections.

**HB 0239** (Pinion) from Transportation removes the requirement that TDOT place advertisements for bids in the local newspaper where the work will take place 2 weeks prior to receiving those bids. Also removes the requirement that claim notices be published in local newspapers.

**HB 1070** (Godsey) from Consumer and Employee Affairs changes the title of "unemployment appeals referees" to "unemployment administrative judges." The

amendment adopted in Consumer changed from "unemployment administrative judge(s)" to "unemployment hearing officer(s)."

**HB 1261** (McMillan) from Health and Human Resources continues the moratorium on CONs for new intermediate care nursing home beds until June 30, 2005.

**HB 1135** (Briley) from Health and Human Resources enacts the Nursing Home Compassion, Accountability, Respect and Enforcement Reform Act.

**HB 0590** (Todd) from Education allows a school district to bring restitution action against any parent who enrolls a student in an out-of-district school system and fraudulently misrepresents the address of such student. This action could be brought in the district's circuit or chancery court within one year of the occurrence or discovery of such, whichever is later. Restitution would be payable to the school district and the parent would be liable for the costs and fees, including attorney fees.

**HB 0262** (Shepard) from Commerce makes a pharmacy benefit manager responsible for payment to a pharmacy for an approved transaction if the pharmacy benefits manager fails to notify the pharmacy within seven days that the responsible party failed to make a scheduled payment.

## **Government Operations**

*Brian Zuzenak*

The **House Government Operations Committee** met at 10:30 on Tuesday to consider eight pieces of legislation.

**HB 1149** (DeBerry), **HB 1527** (Kernell) and **HB 1549** (Kernell) were rolled one week. **HB 1553** (U. Jones) was taken off notice.

**HB 1520** (Kernell) failed in committee. It extends the sunset of the Judicial Council to 2009.

**Sunset Extensions**—The following sunset extensions were referred to Calendar & Rules:

**HB 1535** (Kernell) Interstate Compact on Juveniles - 2009

**HB 1499** (Kernell) Commission on Responsible Fatherhood - 2005

**HB 1492 (Kernell)** State Textbook Commission. An amendment extends the sunset only four years to 2007 instead of six.

## **Health & Human Resources**

*Judy Narramore*

### **The Full Committee**

The **Health & Human Resources Committee** met at noon on Tuesday, April 29 to consider 14 bills. **HB 0791** by Rep. Buttry was re-referred to the Mental Health Subcommittee. Rep. B. Turner took **HB 0556** off notice. Two bills were rolled to next week's calendar: **HB 0708** by Rep. Towns and **HB 1452** by Rep. McMillan.

Six bills were referred to C&R. **HB 0707** by Rep. Towns prohibits Board of Education employees and contract employees from recommending the use of psychotropic drugs to treat children enrolled in elementary or secondary schools. **HB 1768** by Rep. Black removes from current law reference to a felony conviction being grounds for not issuing a massage therapist's license. **HB 0614** by Rep. Davis as amended exempts churches, civic, fraternal, or veterans' organizations from certain regulations of the Department of Health concerning the preparation and storage of food under specific circumstances. The amended bill also waives certain regulations related to food and food labeling for these same entities if the food is served only to the homeless; if the persons responsible for food preparation have completed a two-hour course conducted by the Department of Health; and, if the entity posts a sign stating the food may have been prepared in a facility that is not subject to regulation by the Department of Health. **HB 0675** by Rep. Kent as amended allows persons with a doctor of audiology degree who have passed the examination required for licensure as a speech language pathologist or audiologist to practice without a valid license pending disposition of their application before the Board of Communications Disorders and Sciences. **HB 1700** by Rep. Odom as amended defines the term *chiropractic*, specifies the scope of practice for chiropractic physicians, and prevents the practicing of medicine, osteopathy, or surgery by chiropractic physicians. **HB 2039** by Rep. B. Turner as amended clarifies exemptions from child care licensure for certain recreational programs and delays mandated reductions for adult to child ratios in licensed child care agencies

for children four years of age and older from July 1, 2003 to January 1, 2004.

Four bills were referred to FW&M. **HB 0442** by Rep. Bowers as amended requires the Department of Health to establish and maintain a process for reporting information on the disease sepsis. Hospitals would be required to submit information on all sepsis cases and the Department would file an annual report compiled of sepsis data reported by hospitals. The provisions of the bill would not be implemented without advance funding from non-state sources, such as gifts, grants, or other similar sources. **HB 1692** by Rep. Bowers as amended reduces the number of members on the Board of Cosmetology from nine to seven by August 31, 2005. **HB 0974** by Rep. Bowers as amended creates a joint study committee to study issues related to the creation of a continuum of essential behavioral health services and **HB 0974** as introduced. **HB 0268** by Rep. Shepard as amended specifies that any prescription written by a nurse practitioner under the supervision of a physician is deemed to be that of the nurse practitioner. The amended bill also requires every prescription written by a nurse practitioner to be on a preprinted prescription pad that includes the supervising physician's name and contact information, as well as the nurse practitioner's name and signature.

### **Public Health & Family Assistance Subcommittee**

The *final meeting* of the **Public Health & Family Assistance Subcommittee** was held Wednesday morning with five bills on calendar. Two bills were referred to full committee. **HB 1438** by Rep. Hensley removes the current exemption from licensure for interns, residents, and fellows participating in a post-graduate otolaryngology-training program in the state's western grand division. **HB 1939** by Rep. Curtiss excludes the value of federal veterans' education benefits from eligibility determinations for certain public assistance programs.

Rep. Bowers presented an amendment to **HB 0975** which would rewrite the bill to allow the governor to administratively attach the Commission on Aging and Disability to either the Department of Finance & Administration, Department of Health, or Department of Human Services. The amendment failed and Chairlady Pruitt subsequently deferred **HB 0975** for study over the summer in conjunction with the Comptroller's report on the Commission. The subcommittee voted to defer **HB 1244** by Rep. Chumney (children's product safety) for study over the summer, particularly the bill's impact

on small businesses. Rep. Bowers requested that **HB 1781** concerning child care be held in the subcommittee.

**Public Health  
Is Now  
Closed.**

## **Judiciary**

*Paige Edwards*

### **Constitutional Protections Subcommittee**

On Tuesday, the **Constitutional Protections Subcommittee** held its final meeting of the year to consider 12 bills. HB 1637 by Representative West failed to pass out of the subcommittee. HB 438 by Representative Bowers was taken off notice.

**HB 1166** by Representative Towns, as amended, was sent to the full committee. HB 1166 provides for the restoration of citizenship rights of convicted felons. Under this bill, these individuals would have the ability to petition the court for the restoration of rights, such as the right to vote.

The remaining bills on the calendar were rolled to 2004.

**Constitutional  
Protections Is  
Now Closed.**

Chairman Newton closed the subcommittee for the year, subject to the call of the chairman of the House Judiciary Committee.

### **Judicial Administration Subcommittee**

On Tuesday, the **Judicial Administration Subcommittee** held its final meeting of the year to consider HB 1834 by Representative Bunch. The subcommittee approved passage and sent **HB 1834** to the full committee. HB 1834 would require the claims commission to compile and maintain information of each claim for compensation under the Criminal Injuries Compensation Act. Also, this bill would require the claims commission to annually compile and maintain information of other claims for compensation.

**Judicial  
Administration  
Is Now Closed.**

Chairman Coleman closed the subcommittee for the year, subject to the call of the chairman of the Judiciary Committee.

## **Civil Procedure & Practice**

On Wednesday, the **Civil Procedure & Practice Subcommittee** held its final meeting to consider 24 bills. HB 1835 by Representative Bunch failed for lack of a second to the motion to consider the bill. HB 955 by Representative Pruitt, HB 1168 by Representative Towns, HB 1602 by Representative West, and HB 1615 by Representative West were taken off notice. HB 868 by Representative Davis, HB 986 by Representative Overbey, HB 1073 by Representative Godsey, HB 1184 by Representative Vincent, HB 1057 by Representative McCord, HB 1789 by Representative Briley, and HB 1797 by Representative Overbey were rolled to 2004. HB 1172 by Representative Towns was referred to the House Judiciary Summer/ Fall Study Committee.

The following 11 bills were **sent to the full committee**:

- **HB 977** by Representative Bowers, as amended, includes a nonprofit public benefit corporation in the definition of a governmental entity under the Government Tort Liability Act. Specifically, this bill would allow the Med in Memphis to operate as a governmental entity. As amended, the provisions of this bill would become effective July 1, 2003 and would sunset on June 30, 2006.
- **HB 709** by Representative Towns, as amended, renames the "Tennessee Identity Theft Deterrence Act" to be the "Tennessee Identification and Personal Information Protection Act of 2003." This bill would expand the present law to prohibit any person from disclosing any personal information or data concerning another person's financial documents, identification documents, or personal identification numbers, subject to exceptions. Unlawful transfers of information would be punishable through civil penalties that exist under the present law.
- **HB 940** by Representative Jones (Davidson) revises the present law procedural guidelines governing investigations of police officers and political activity by police officers.
- **HB 1058** by Representative Davidson, as amended, authorizes juvenile courts to have concurrent jurisdiction with circuit and chancery courts of proceedings to establish paternity of children born out of wedlock to determine custody, visitation, support, education, or other related issues.
- **HB 1185** by Representative Vincent, as amended, provides statutory compliance for rental agreements that require tenants to attain utility services. Under this bill, a tenant would be required to attain utility services in the tenant's name within 10 days of

occupying the rented premises. If the tenant does not comply, the landlord would have the authority to terminate the utility services that exist in the landlord's name. The landlord would have 75 days to exercise this right to terminate the utilities.

- **HB 1292** by Representative Fowlkes, as amended, clarifies provisions under the present law related to a surviving spouse's elective share in intestate estates.
- **HB 1341** by Representative Hargrove, as amended, revises the law related to the state's subrogation interest to recover costs accrued for medical care that was paid by the state.
- **HB 1711** by Representative Brown, as amended, exempts persons who act as agents of an attorney and perform private investigator services from the licensing requirements for private investigators.
- **HB 1757** by Representative Maddox, as amended, addresses issues related to predatory lending for home loans.
- **HB 2007** by Representative McMillan, as amended, requires medical records to be made available for inspection and copying upon a signed release by the patient or the patient's legal representative. Also, medical records would be made available by written request that meets certain criteria. This bill would not apply to records that are made statutorily confidential to the public or records that are statutorily privileged. Health care providers and their representatives would be immune from liability for furnishing documents or records to the department of health if the information is provided in good faith and without malice.
- **HB 1974** by Representative McMillan limits the sale of over-the-counter medication containing ephedrine and pseudoephedrine. Under this bill, individuals would be prohibited from buying excessive amounts of these medications in one sale. The intent of this bill is to deter the production of methamphetamine.

**Civil  
Procedure &  
Practice Is  
Now Closed.**

Chairman Briley closed the subcommittee for the year, subject to the call of the chairman of the Judiciary Committee.

### The Full Committee

On Wednesday, the **Judiciary Committee** met to consider 39 bills. HB 568 by Representative Pruitt was taken off notice. Thirty-two bills were rolled to next week's calendar.

**HB 1333** by Representative Hagood was sent to **Calendar & Rules**. HB 1333, as amended, allows non-resident creditors, non-resident trustees, and non-resident agents to conduct discovery proceedings in the county in which residential property is located or in which litigation is pending. The provisions of this bill would apply to residential property located in Tennessee and owned by a Tennessee resident.

The following five bills were sent to **Finance, Ways & Means**:

- **HB 80** by Representative Buck prohibits recovery under the Criminal Injuries Compensation Act when the victim knew that the operator of the vehicle or watercraft was legally intoxicated.
- **HB 757** by Representative Hargrove adds another factor for determining first degree murder. A person would commit first degree murder for knowingly killing another while under the influence of any intoxicant, marijuana, narcotic drug, or drug producing stimulating effects on the central nervous system.
- **HB 1340** by Representative Hargrove establishes a program to fund sexual assault program services. The department of finance and administration would administer the programs and would not disperse more than \$50,000 to any one sexual assault program in one year, subject to exceptions. To receive funding, an organization would be not-for-profit and tax exempt and would demonstrate that it has provided sexual assault services for at least six months prior to applying for funding.
- **HB 837** by Representative Head, as amended, provides guidelines for utilizing expenditures from the Fraud and Economic Crimes Prosecution Fund. This bill would limit the district attorney's discretion for the use of these funds.
- **HB 441** by Representative Bowers sets a ten-day time limit for admitting a defendant into a facility for a court ordered pre-trial mental evaluation. Under this bill, a defendant would be admitted into a facility no longer than ten days from the receipt of the order, subject to available accommodations.

**Judiciary Is  
Scheduled  
For A Final  
Meeting On  
May 7th.**

The final meeting for the **Judiciary Committee** is scheduled for Wednesday, May 7, at 8:30 a.m.

## **State & Local Government**

*Lawrence Hall, Jr.*

### **The Full Committee**

The **State and Local Government** full committee passed **HB 610**, by Rep. Garrett, to Calendar and Rules. This bill allows police officers that work for private security to wear the uniform of the officer's primary jurisdiction, only if the jurisdiction assumes responsibility for wearing the uniform. Rep. Turner (Davidson) sponsored HB 202. This bill prohibits any person from bidding on a public contract if that person has a relative on the board or commission that is responsible for awarding the contract. This bill was amended to remove foster relatives as family members. It was passed to Calendar and Rules. This committee will close in two weeks.

**State & Local To  
Close In Two Weeks.**

### **State Government Subcommittee**

The **State Government Subcommittee** passed both **HB 560** and **HB 565** by Rep. Brooks (Shelby) to full committee. Both bills ask for an independent disparity study of the legislative department and executive branch of government to determine if racial, gender, or other discrimination exist. State Subcommittee is now closed.

**State Government Sub Is Now Closed.**

The **Local Government** subcommittee conducted its last meeting this week. The committee passed **HB 1226**, by Rep. Sargent, to full committee. This bill will limit a county's levy of a hotel motel tax only to the county and a city's levy only to the city. This bill further removes the requirement that prohibits the city from applying a hotel motel tax if the county has levied the tax prior to the city.

**Local Government Sub Is Now Closed.**

**Elections Subcommittee** is closed.

## **Transportation**

*Greg E. Adkins*

### **Full Transportation Committee**

The **Full Transportation Committee** met April 30, 2003 and considered ten bills.

**HB 1640** by Rep. West was rolled one week. The amended bill would exempt qualifying agents and qualifying managers from taking continued legal education--dealing with private security guards. **HB 1790** by Rep. Rowland passed to FW&M as amended. The amended bill would require that persons without a social security number or INS documentation would not be able to acquire a driver's license. Legal residents with proper INS documentation would be required to reapply for a driver's license every year while a person with a social security number would only have to apply for a driver's license every five years. **HB 1054** by Rep. McCord passed to C&R as amended. The amended bill would allow a motorcycle to stop at a traffic light, and if the vehicle detection device doesn't trigger the light to change, then - with due care - under current law the motorcyclist can proceed through the red light. **HB 2013** by Rep. Pinion passed to C&R. The amended bill would allow the Commissioner of TDOT to organize the department into departmental units as he/she deems necessary to carry out the duties and functions imposed on the Commissioner; the Building Commission must authorize the changes. **HB 1959** by Rep. Vaughn was rolled one week. The amended bill would prohibit aggressive driving and a violation would be a Class B misdemeanor, however, if the driver intends to injure another person the violation would be a Class A misdemeanor. **HB 604** by Rep. J. DeBerry was rolled one week. The bill authorizes the Department of Safety Commissioner to suspend, revoke, restrict, or deny the drivers license of an individual with a condition that could impair safe driving. It would be a class A misdemeanor for violation of this act. **HB 774** by Rep. Pleasant was rolled one week. The amendment rewrites the bill to mandate that farm tractors or other motor vehicles towing an object over 96 inches in width be equipped with two red lams or a rear escort automobile during the evening hours. **HB 770** by Rep. Buttry passed to C&R. The bill would clarify that the child passenger restraint law would only apply to vehicles under 8,500 lbs. that are not used as public or livery conveyance for passengers (the child passenger restraint law would not apply to school buses). **HB 736** by Rep. Hood passed to FW&M. The bill revises the Regional Transportation Authority. The bill would require cities and counties that make up the Regional Authority to pay



a yearly local assessment in order to participate in the Authority. **HJR 262** by Rep. Hood passed to FW&M; the resolution would name the "Lt. George S. Brooks Memorial Bridge" on S.R. 33.

**Note:** The Full Transportation Committee will close next week.

**Transportation Closes Next Week.**

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***(Reminder)***



**Summaries of All Departmental Budgets  
Presented During March And April  
Can Be Viewed By Visiting the  
General Assembly's Website At:  
[www.legislature.state.tn.us](http://www.legislature.state.tn.us)**

**Links To The Summaries Are Under:  
*House, Budget Hearings, and Calendar***